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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,032

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Kwok Hung Chan

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9053

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11/14/2006

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EXAMINER

SAADAT, CAMERON

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

217

Office Action Summary

Application No.

10/657,032

Applicant(s)

CHAN, KWOK HUNG

Examiner

Cameron Saadat

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5, 9, 11, 17, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuroki et al. (US Patent Application Publication 2005/0240307; hereinafter Kuroki).

Regarding claim 1, Kuroki discloses a learn-and-play programming method for controlling a mechanical movement of an output shaft of a motorized toy and a domestic appliance, comprising the steps of: learning the mechanical movement of the output shaft by: inputting a movement data into an operation system corresponding to the mechanical movement of the output shaft; and storing said movement data of said output shaft in a memorizing means; and reproducing the mechanical movement of the output shaft corresponding to said movement data in said memorizing means. See ¶ 115-117.

Regarding claim 2, Kuroki discloses a method, wherein the mechanical movement of the output shaft is input through a computer system by manually inputting the output shaft from an initial position to a final position. See ¶ 260, 273.

Regarding claim 5, Kuroki discloses a method wherein the operation system is activated through the computer system to reproduce said mechanical movement of the output shaft corresponding to the movement data in the memorizing means. See ¶ 115-117.

Regarding claim 9, Kuroki discloses a method wherein the mechanical movement is pre-input into the output shaft and the movement data is pre-stored in the memorizing means. See ¶ 115-117.

Regarding claim 11, Kuroki discloses a method wherein the mechanical movement of the output shaft is input by manually rotating the output shaft from an initial position to a final position. See ¶ 260, 273.

Regarding claim 17, Kuroki discloses a method wherein the position of the output shaft in an analog form is converted into the movement data in a digital form to store in the memorizing means. See ¶ 260, 273, and 279.

Regarding claim 20, Kuroki discloses a learn-and-play control system for controlling a motorized toy and a domestic appliance which comprises an output shaft to provide a mechanical movement, wherein the learn-and-play control system comprises: means for memorizing the mechanical movement of the output shaft; and an operation system which is communicatively connected with the memorizing means and is arranged to be operated between a learn mode and a play mode, wherein at the learn mode, the memorizing means is activated for memorizing the mechanical movement of the output shaft, and at the play mode, said operation system is activated for driving the output shaft to reproduce the mechanical movement. See ¶ 115-117.

Regarding claim 21, Kuroki discloses a system wherein the operation system comprises a signal converter which is an analog to digital converter adapted for converting an analog signal of the mechanical movement from the output shaft to a digital signal, wherein the digital signal is stored in the memorizing means. See ¶ 279.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4, 6-8, 10, 12-16, 18-19, and 22-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroki et al. (US Patent Application Publication 2005/0240307; hereinafter Kuroki).

Regarding claims 3 and 13-14, Kuroki discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of requiring movement data being input into the operation system and stored in the memorizing means before inputting another movement data of the output shaft. However, the examiner takes official notice that the feature that inputting movement commands for a robot one command at a time is old and well known in order to teach a robot specific movements. Thus, it would have been obvious to one of ordinary skill in the art to modify the method of input described in Kuroki, by providing one movement command at a time in order to allow the robot to learn specific movements for specific body parts.

Regarding claim 4, 15-16, Kuroki discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of clearing and resetting movement data. However, the examiner takes official notice that the feature of clearing and resetting movement data for a robot is old and well known for allowing a user to input new movements. Thus, it would have been obvious to one of ordinary skill in

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the art to modify the memory described in Kuroki, providing the feature of clearing and resetting movement data in order to allow a user to input new movements.

Regarding claim 6, Kuroki discloses a method wherein the operation system is activated through the computer system to reproduce the mechanical movement of the output shaft corresponding to the movement data in the memorizing means. See ¶ 116

Regarding claim 7, Kuroki discloses a method wherein a position of the output shaft in an analog form is converted into the movement data in a digital form to store in the memorizing means. See ¶ 279

Regarding claim 8, Kuroki discloses a method wherein the position of said output shaft in an analog form is converted into the movement data in a digital form to store in the memorizing means. See ¶ 279

Regarding claim 10, Kuroki discloses a method wherein the operation system is activated to reproduce the mechanical movement of the output shaft corresponding to the movement data pre-stored in the memorizing means. See ¶ 115-117

Regarding claim 12, Kuroki discloses a method wherein the output shaft is rotated back to the initial position before the output shaft reproduces the corresponding mechanical movement. See ¶ 260, 273, and 279.

Regarding claims 18-19, Kuroki discloses a method wherein the position of the output shaft in an analog form is converted into the movement data in a digital form to store in the memorizing means. See ¶ 279.

Regarding claims 22-23, Kuroki discloses a system, wherein said operation system comprises a touch screen. See ¶ 170. However, it is the examiner's position that the feature of using keyboard input is

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old and well known, and therefore, it would have been obvious to one of ordinary skill in the art to utilize a keyboard to input data.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Inga (USPN 6,363,300) – discloses a method of controlling a robot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cameron Saadat
11/13/2006



JOHN M. HOTALING, D
PRIMARY EXAMINER